UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,500	01/27/2004	David A. Matthews	MS#304649.01 (5439)	6265

38779   7590   10/15/2008
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EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
10/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

	Application No.	Applicant(s)
Office Action Summary	10/764,500	MATTHEWS ET AL.
	Examiner	Art Unit	
	NICHOLAS AUGUSTINE	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-33* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 and 3-33* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

A.   This action is in response to the following communications: Request for

Continued Examination filed 4/28/2008.Therefore made **Non-Final**.

B.   Claims 1 and 3-33 remains pending.

C.   Final Rejection mailed 7/25/2008 was labeled Final in error and therefor the

finality is hereby withdrawn.   This action is made Non-Final.

Continued Examination Under 37 CFR 1.114

D.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the fee

set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office

action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

4/28/2008 has been entered.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another
filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
application for patent by another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section 351(a) shall have the effects
for purposes of this subsection of an application filed in the United States only if the international application
designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1 and 3-33 are rejected under 35 U.S.C. 102(e) as being anticipated by

Czerwinski et al (US 2004/0066414 A1), herein referred to as "Czerwinski".

The applied reference has a common assignee with the instant application. Based upon the

earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This

rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any

invention disclosed but not claimed in the reference was derived from the inventor of this application and

is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As for claim 1, Czerwinski teaches a computer-implemented method for controlling tiles within a sidebar

of a system, the method comprising (par.21 and 36): receiving a request to manipulate a selected tile in a

sidebar (par.37), wherein content of the request to manipulate the selected tile includes at least one of the

group comprising: relocating the selected tile within the sidebar (par.37), adding the selected tile to the

sidebar, removing the selected tile from the sidebar, hiding the selected tile in the sidebar, banning the

selected tile from the sidebar, and showing the selected tile in the sidebar (par.38); in response to the

receiving said request, determining a current status of the selected tile wherein the current status includes

at least one of the group comprising: hidden, visible, newly installed, uninstalled, and banned (par.38);

selecting an appropriate manipulation rule set based on the an identity of the manipulation requestor, set

wherein a user manipulation rule set is selected if the identity of the manipulation requestor is a system

user, and an application manipulation rule set is selected if the identity of the manipulation requestor is an

application, wherein said application is associated with the selected tile and is an application program

other than a tile configuration user interface program (par.39); locating an appropriate manipulation rule

within the selected appropriate manipulation rule set based on the determined current status of the

selected tile and the content of the received request; and manipulating the selected tile in accordance

with the located appropriate manipulation rule and the content of the received request (par.38-39).

As for claim 3, Czerwinski teaches the computer-implemented method of claim 1, wherein the identity of

the manipulation requestor is a system user and the content of the request includes adding the selected

tile to the sidebar and wherein manipulating the selected tile in accordance with the located appropriate

manipulation rule comprises adding the selected tile to a top of the sidebar (par.38).

As for claim 4, Czerwinski teaches the computer-implemented method of claim 1, wherein the identity of the manipulation requestor is an application tag and the content of the request includes adding the selected tile to the sidebar and wherein manipulating the selected tile in accordance with the located appropriate manipulation rule comprises adding the selected tile to a bottom portion of the sidebar (par.38).

As for claim 5, Czerwinski teaches the computer-implemented method of claim 4, further comprising providing a user notification to instruct a system user regarding removal of the selected tile (par.38).

As for claim 6, Czerwinski teaches the computer-implemented method of claim 1, wherein the identity of the manipulation requestor is an application, the content of the request includes request to show showing the selected tile in the sidebar, determining the current status is determined as hidden, and manipulating the selected tile in accordance with the located appropriate manipulation rule comprises to reveal revealing the selected tile in the sidebar (par.38).

As for claim 7, Czerwinski teaches the computer-implemented method of claim 1, an wherein the identity of the manipulation requestor is an application the content of the request includes request to hide hiding the selected tile, the current status is determined as visible, and manipulating the selected tile in accordance with the located appropriate manipulation rule comprises hiding the selected tile (par.39).

As for claim 8, Czerwinski teaches the computer-implemented method of claim 1, wherein the identity of the manipulation requestor is a system user the content of the request includes removing the selected tile from the sidebar, and manipulating the selected tile in accordance with the located appropriate manipulation rule comprises IU banning the selected tile from the sidebar (par.38).

As for claim 9, Czerwinski teaches the computer-implemented method of claim 1, wherein the identity of the manipulation requestor is an application, the content of the request includes showing the selected tile, the current status of the selected tile is determined as banned, and manipulating the selected tile in accordance with the located appropriate manipulation rule comprises refusing to show the tile in the sidebar (par.38; tile removed from group depicts that it does not belong anymore which is the same as a ban in the sense its not displaying with the group anymore; also present are guide sets defined by user).

As for claim 10, Czerwinski teaches the computer-implemented method of claim 1, further comprising providing a user interface option menu for revealing the current tile status to a system user (par.38; additional text and graphics can be associated with tiles).

As for claim 11, Czerwinski teaches the computer-implemented method of claim 10, further comprising providing a check mark to indicate a visible tile (par.38; various techniques used to depict tile actions, such as highlighting, fonts, boarders, etc.).

As for claim 12, Czerwinski teaches the computer-implemented method of claim 10, further comprising providing a blank space to indicate one of a newly installed and a banned tile (par.38-39).

As for claim 13, Czerwinski teaches a system for controlling tiles within a sidebar when a manipulation request is made by a system user or by an application to manipulate a selected tile, the system (par. 21) comprising: an input module configured to receiving the manipulation request, wherein content of the manipulation request includes at least one of the group (par.37) comprising: relocating the selected tile within the sidebar, adding the selected tile to the sidebar, removing the selected tile from the sidebar, hiding the selected tile in the sidebar, banning the selected tile from the sidebar, and showing the selected tile in the sidebar (par.38); a status determination module configured to indicate a current status of the selected tile wherein the current status includes at least one of the group comprising: hidden, visible, newly installed, uninstalled, and banned (par.38);

one or more user manipulation rules defining an appropriate disposition of the selected tile based on the

indicated current status of the selected tile and the content of the request, wherein said user manipulation

rules are used when the manipulation request originates from the system user (par.39);

one or more application manipulation rules defining an appropriate disposition of the selected tile based

on the indicated current status of the selected tile and the content of the request, wherein said application

manipulation rules are used when the manipulation request originates from the application, wherein said

application is associated with the selected tile and is an application program other than a tile configuration

user interface program (par.38); and one or more manipulation tools configured to manipulate the

selected tile in accordance with the appropriate disposition of the selected tile as defined by the user

manipulation rules or the application manipulation rules, the content of the request, and the request

originator (par.38-39).

As for claim 14, Czerwinski teaches the system of claim 13, wherein the one or more user manipulation

rules cause the selected tile to be added to a top portion of the sidebar upon receiving the manipulation

request from the system user (par.38; user is able to manipulate position of tile).

As for claim 15, Czerwinski teaches the system of claim 13, wherein the one or more application

manipulation rules cause the selected tile to be added to a bottom portion of the sidebar upon receiving

the manipulation request from the application (par.38).

As for claim 16, Czerwinski teaches the system of claim 15, wherein the one or more application

manipulation rules further require providing a user notification to instruct the user regarding removal of the

selected tile (par.38).

As for claim 17, Czerwinski teaches the system of claim 13, wherein the one or more application

manipulation rules provide for showing the selected tile upon receiving an application request after

determining the current tile status as hidden (par.38).

As for claim 18, Czerwinski teaches the system of claim 13, wherein the one or more application manipulation rules provide for hiding the selected tile upon receiving an application request and determining the current tile status as visible (par.38).

As for claim 19, Czerwinski teaches the system of claim 13, wherein the one or more user manipulation rules provide for banning the selected tile from the sidebar upon receiving a user request (par.38).

As for claim 20, Czerwinski teaches the system of claim 13, wherein the one or more application manipulation rules, upon determining the current tile status as banned, require refusal to show the selected tile upon receiving an application request (par.38).

As for claim 21, Czerwinski teaches the system of claim 13, further comprising a user interface option menu for revealing the current tile status to the system user (par.38).

As for claim 22, Czerwinski teaches the system of claim 21, wherein the user interface option menu comprises a status indicator including a check mark to indicate a visible tile (par.39).

As for claim 23, Czerwinski teaches the system of claim 21, wherein the user interface option menu includes a blank status indicator to indicate one of a newly installed and a banned tile (par.38).

As for claim 24, Czerwinski teaches a computer-implemented method for controlling a selected tile within a sidebar upon receiving an application request for manipulation of the selected tile, the method (par.21) comprising: receiving the application request for manipulation of the selected tile (par.37), wherein an application providing said application request is associated with the selected tile and is an application program other than a tile configuration user interface program, and wherein said request includes content,

wherein said content includes at least one of the group (par.37-38) comprising: relocating the selected tile within the sidebar, adding the selected tile to the sidebar, removing the selected tile from the sidebar, hiding the selected tile in the sidebar, banning the selected tile from the sidebar, and showing the selected tile in the sidebar (par.38); determining a current status of the selected tile in response to the application request wherein the current status is at least one of the group comprising: banned, hidden, newly installed, uninstalled, and visible; selecting an appropriate tile manipulation rule for the application based on the current status of the tile and the content of the request (par.38 and 46); and manipulating the tile in accordance with the selected tile manipulation rule and the content of the request, wherein if the current status is determined to be banned, the selected tile manipulation rule includes refusing entry of the selected tile in the sidebar and refusing to reveal the selected tile (par.39).

As for claim 25, Czerwinski teaches the computer-implemented method of claim 24, wherein the current status is determined to be banned and wherein the selected appropriate tile manipulation rule includes refusing entry of the selected tile in the sidebar (par.38).

As for claim 26, Czerwinski teaches the computer-implemented method of claim 24, wherein the current status is determined as hidden and the selected appropriate tile manipulation rule allows the application to reveal the hidden tile (par.46).

As for claim 27, Czerwinski teaches the computer-implemented method of claim 24, wherein the current status is determined as newly installed and the selected appropriate tile manipulation rule that allows entry of the selected tile at a bottom portion of the sidebar (par.38).

As for claim 28, Czerwinski teaches the computer-implemented method of claim 27, further comprising providing a user notification allowing the user to remove the selected tile (par.40).

As for claim 29, Czerwinski teaches the computer-implemented method of claim 24, wherein the current status is determined as visible and selecting the selected appropriate tile manipulation rule that allows the application to render the tile hidden (par.38).

As for claim 30, Czerwinski teaches a computer-implemented method for controlling a selected tile within a sidebar based on user preferences (par.21), the method comprising: receiving a manipulation request from a user, said manipulation request having content including a request to remove the selected tile from the sidebar (par.38); removing the selected tile from the sidebar in response to receiving the user manipulation request (par.38); refusing a-request from an application to insert the selected tile into the sidebar, wherein said request from the application is received after removing the selected tile in response to the manipulation request from the user, wherein said application is associated with the selected tile and is an application program other than a tile configuration user interface program (par.39); and granting a request from the user to insert the selected tile into the sidebar~ wherein the granted request from the user is received after removing the selected tile in response to the manipulation request from the user (par.38).

As for claim 31, Czerwinski teaches a computer-readable medium storing computer executable instructions for performing the method of claim 30 (par.28).

As for claim 32, Czerwinski teaches a method for providing a user with control of the positioning of a selected tile within a sidebar based on user manipulation rules and application manipulation rules, the method comprising: inserting the selected tile in a preferred sidebar position in response to receiving a user request to insert the selected tile; inserting the selected tile in less preferred sidebar position in response to receiving an application request to insert the selected tile (par.38), wherein an application providing the application request to insert the selected tile is associated with the selected tile and is an application program other than a tile configuration user interface program (par.38); and allowing a user to ban the selected tile such that the an application associated with the selected tile is prevented from

inserting the selected tile in the sidebar (par.38).

As for claim 33, Czerwinski teaches a computer-readable medium storing computer executable

instructions for performing the method of claim 32 (par.28).

(Note:)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and
any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it
contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In
re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158
USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-33 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Augustine whose telephone number is 571-

270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
July 17, 2008

/Ba Huynh/

Primary Examiner, Art Unit 2179